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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 LAN THI TRAN NGUYEN, Case No. 2:13-cv-00273-MMD-CWH  
10 v. Plaintiff, ORDER  
11 COLLINS, et al.,  
12 Defendants.

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15 On February 19, 2013, the Clerk of Court received documents from plaintiff, who  
16 is an inmate at the Dublin Correctional Facility in California. These documents included  
17 a complaint, an application to proceed *in forma pauperis*, a statement of facts, and a  
18 motion for counsel. Instead of opening one case with these documents, the Clerk of  
19 Court erroneously opened two cases: (1) the instant action, in which the complaint,  
20 application to proceed *in forma pauperis*, and motion for counsel were filed; and (2) a  
21 second action, case number 2:13-cv-00274-MMD-PAL, in which plaintiff's statement of  
22 facts and motion for counsel were filed. Upon review of the documents filed in both  
23 cases, the Court concludes that only one action should have been opened by the Clerk  
24 of Court. The complaint in the instant action directly references the statement of facts  
25 that the Clerk filed in case number 2:13-cv-00274-MMD-PAL. Both the complaint in the  
26 instant action and the statement of facts filed in 2:13-cv-00274-MMD-PAL concern the  
27 same subject matter: Allegations that plaintiff and other inmates were subjected to  
28 unconstitutional conditions of confinement such as a lack of medical care, a lack of

1 sanitation, improper hygiene, and other unfavorable conditions of confinement while  
2 incarcerated at the Nevada Southern Detention Center, located in Pahrump, Nevada.  
3 (Dkt. no. 1-1 in 2:13-cv-00273-MMD-CWH; dkt. no. 1, in 2:13-cv-00274-MMD-PAL.)  
4 Because all of these documents should have been opened as one action, this order  
5 directs the Clerk of Court to correct its mistake by closing the later-filed action, 2:13-cv-  
6 00274-MMD-PAL, and file the documents in the instant case, 2:13-cv-000273-MMD-  
7 CWH.

8 IT IS THEREFORE ORDERED that the Clerk of Court SHALL FILE IN THE  
9 INSTANT CASE documents at dkt. no. 1 and dkt. no. 2 which were filed in case number  
10 2:13-cv-00274-MMD-PAL.

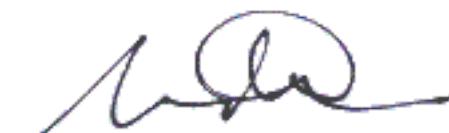
11 IT IS FURTHER ORDERED that the Clerk of Court SHALL FILE a copy of this  
12 order in case number 2:13-cv-00274-MMD-PAL.

13 IT IS FURTHER ORDERED that the Clerk of Court SHALL CLOSE the  
14 erroneously-opened action at case number 2:13-cv-00274-MMD-PAL.

15 IT IS FURTHER ORDERED that plaintiff's claims SHALL PROCEED under the  
16 instant case number. All filings by plaintiff shall be captioned with the case number of  
17 the instant action, 2:13-cv-273-MMD-CWH. A screening order will be issued in due  
18 course.

19 DATED THIS 22<sup>nd</sup> day of February 2013.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE